

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

LARRY L. HINDS, et al.,

Plaintiffs,

v.

DETECTIVE LUCCA, et al.,

Defendants.

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Case No. 4:19-cv-03266 SEP

**Memorandum and Order**

This matter is before the Court on Plaintiffs' motions for extension of time to respond to Defendants' pending Motion to Dismiss and Motion for More Definite Statement. Docs. [32] and [33]. For the reasons below, Plaintiffs' motions are denied without prejudice.

Defendants, various members of the St. Louis County Police Department, filed a Motion to Dismiss on July 2, 2020. Doc. [30]. Defendant Matthew Black separately filed a Motion for More Definite Statement on the same day. Doc. [28]. Under this Court's local rules, Plaintiffs were required to file any response to these motions on or before July 16, 2020. *See* E.D. Mo. L.R. 4.01(B). On July 23, 2020, Plaintiffs' counsel filed the instant motions for extension of time, explaining that counsel mistakenly believed the responses were due 21 days after service (i.e., on July 23, 2020, the day the motions for extension were filed), and requesting an additional 21 days (i.e., until August 13, 2020), to complete them. Doc. [32] ¶¶ 3, 5; Doc. [33] ¶¶ 3, 5.

Parties seeking to extend an already-expired deadline must show excusable neglect for their failure to act before the deadline. Fed. R. Civ. P. 6(1)(B). A calendaring error may qualify as excusable neglect in some instances. But the Court fails to see how counsel's alleged calendaring error in this case could justify the extension counsel requests. The fact that

Plaintiffs' counsel mistakenly believed the responses were due on July 23, 2020, could only explain why he might have needed until July 23, 2020, to complete them; it provides no justification for an additional three-week extension until August 13, 2020.

Therefore,

**IT IS HEREBY ORDERED** that Plaintiffs' motions for extension of time (Docs. [32] and 33]) are DENIED without prejudice. Further requests for extensions of time to respond to Defendants' motions must be accompanied by adequate justification for the additional time requested.

Dated this 27th Day of July, 2020.

A handwritten signature in cursive script, reading "Sarah C. Pitlyk".

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UNITED STATES DISTRICT JUDGE